

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATIONAL FIRE & MARINE INSURANCE
CO.,

Plaintiff,

v.

NEWTOWN SQUARE, LLC,

Defendant,

CIVIL ACTION
NO. 21-5397

NEWTOWN SQUARE, LLC,

Third Party Plaintiff,

v.

BTC INSURANCE SERVICES, LLC, KISH
NORTH, and WORLDWIDE FACILITIES,
LLC,

Third Party Defendants.

ORDER

AND NOW, this 12th day of September, 2023, upon consideration of Newtown Square, LLC's Motion to Amend the Answer and Counterclaim, (ECF 55), National Fire & Marine Insurance Company's Brief in Support of Partial Opposition, (ECF 59), and Newtown's Reply, (ECF 60), it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART**. Newtown may not amend the counterclaim to include proposed Count VIII alleging negligence. Newtown shall file its amended answer and counterclaim consistent with the Court's accompanying memorandum, on or before Tuesday, September 19.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.